

July 21, 2003  
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-- REMARKS --

The present Amendment replies to a Third and Final Office Action dated April 23, 2003. Claims 1-20 are currently pending in the present Application. The pending allowability of dependent claims 6 and 15 is noted. Independent claims 1, 10, 19, and 20 have been (twice) amended herein whereby no new matter was introduced. Claims 1, 10, 19, and 20 now include the limitations of the allowable claims 6 and 15 to more particularly point out and distinctly claim the present invention.

In the Third and Final Office Action, Examiner Gemmel rejected pending claims 1-5, 7-14, and 16-20 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,069,938 to Chornenky et al. (hereinafter the "*Chornenky Patent*") in view of U.S. Patent No. 6,201,852 to Goddu et al. (hereinafter the "*Goddu Patent*"). Claims 6 and 15 were objected to as being dependent upon a rejected base claim, however, would be allowable if rewritten in independent form including the limitations of the base claim and any intervening claims. The Applicant has thoroughly considered the Examiner's remarks concerning the patentability of claims 1-5, 7-14, and 16-20 over the *Chornenky* and *Goddu Patents*. The Applicant also thoroughly understands the specifics of *Chornenky Patent*, to which he is the Inventor, and has read the *Goddu Patent*.

Regarding independent claims 1, 10, 19, and 20, the Applicant has amended said claims to more particularly point out and distinctly claim the invention. The amended claims 1, 10, 19, and 20 now include the limitations of determining an actual x-ray dose rate based on, along with measured current and voltage, an emitter cut-off energy and a radiation depth. As such, the amended claims 1, 10, 19, and 20 include the limitations of claims 6 and 15 wherein the actual dose rate,  $D$ , is based on current,  $I$ , voltage,  $V$ , cut-off energy,  $V_0$ , and radiation depth,  $r$ , (on which the constant,  $f$ , depends on).

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The devices and methods of the *Chornenky and Goddu Patents* do not disclose, teach or suggest the determination of an actual x-ray dose rate based on current, voltage, emitter cut-off energy, and radiation depth. Accordingly, it would not be obvious to one of ordinary skill in the art to arrive at the present Invention as claimed. The Applicant respectfully requests the allowance of the amended claims 1, 10, 19, and 20 over the *Chornenky and Goddu Patents*.

Claims 2-9 and 11-18 claims depend from independent claims 1 and 10. Therefore, dependent claims 2-9 and 11-18 include all of the elements and limitations of independent claims 1 and 10, respectively. Therefore dependent claims 2-9 and 11-18 are allowable over the *Chornenky and Goddu Patents* for at least the same reasons as set forth above with respect to independent claims 1 and 10. Allowance of dependent claims 2-9 and 11-18 is respectfully requested.

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**SUMMARY**

Examiner Gemmell's 35 U.S.C. § 103(a) rejection has been obviated by the above amendments and remarks corresponding to claims 1-20. The Applicant respectfully submits that claims 1-20 fully satisfy the requirements of 35 U.S.C. §§ 102, 103 and 112 and are in a condition for allowance. In view of the foregoing remarks, favorable consideration and passage to issue of the present application are respectfully requested.

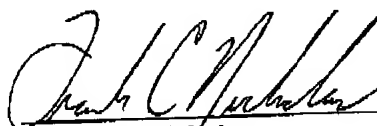
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Respectfully submitted,  
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